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In re application of :
Martin SOMMER et al. : Examiner: CHEVALIER, Alicia Ann
Serial No.: 09/780,618 : Group Art Unit: 1772
Filed: February 12, 2001
For: MOLDED ELEMENT THAT CONSISTS OF BRITTLE-FRACTURE MATERIAL

REPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed on March 8, 2004, please consider the remarks.

The Section 112 Rejections

Claim 29 is rejected allegedly lacking written description. The Office Action alleges that there is no page 9 in the specification, which applicants previously indicated contains written description for the material in claim 9. The Examiner in a telephone conference indicated that page 9 has been found and does contain written description of the material claimed in claim 9. Thus, this issue is moot.

The Section 102 Rejections

The claims are rejected because allegedly, the material from the book "*Principles of Welding*" by Messler, accompanying the previous reply did not make it to the file. Applicants based several of their arguments on material appearing in that book. A copy of the filing

receipt is attached which supports that the material from "*Principles of Welding*" accompanied the last Reply. A new copy of the material is attached.

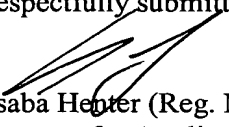
The arguments from the previous reply are incorporated herein.

IDS

Attached is an Information Disclosure Statement.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



Csaba Henter (Reg. No. 50,908)
Attorney for Applicants

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Filed: May 10, 2004



SERIAL NO. 09/780,618 DOCKET NO. SGW-109

FILED: February 12, 2001 APPLICANT(S) Martin SOMMER et al.

THE PATENT AND TRADEMARK OFFICE STAMP HEREON ACKNOWLEDGES
RECEIPT OF THE FOLLOWING PAPERS:

☐ FILED BY CERTIFICATE OF MAILING ON:

- ☒ FEES \$ 982.00 Check No. 29894
- ☐ MISSING PARTS RESPONSE W/DECL.
- ☐ AMENDMENT
- ☒ RESPONSE ☐ ELECTION
- ☐ NOTICE OF APPEAL
- ☐ APPEAL BRIEF (TRIPPLICATE)
- ☐ ASSIGNMENT
- ☒ EXTENSION OF TIME 1 MO(S)
- ☐ PRIORITY DOCUMENT(S)
- ☐ VERIFIED STATEMENT(S) UNDER 37 C.F.R. 1.9 & 1.27
- ☐ CONTINUATION PROSECUTION APPLICATION (CPA)



- ☐ STATEMENT OF USE
- ☐ ISSUE FEE
- ☐ DECLARATION UNDER
- ☐ INFORMATION DISCLOSURE
- ☐ PTO 1449 W/ REFS.
- ☐ SHEETS OF DRAWINGS
- ☐ COPY OF MISSING PARTS
- ☐ RENEWAL APPLICATION
- ☐ LETTER TO DRAFTSMAN
- ☐ STATUS INQUIRY
- ☐ APPLICATION DATA SHEET

Handwritten signature and date: 11/11/03

OTHER RCE & Messler Book (pages 18-21)

Initials: CH:tc

Date Filed: November 26, 2003